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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,322	08/15/2001	Thomas Klotz	KLOTZ (PCT)	2585

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EXAMINER

DINH, DUC Q

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 07/14/2003

60

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/831,322

Applicant(s)

KLOTZ, THOMAS

Examiner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-28 and 30-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-28 and 30-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 25-28 and 30-46 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 45-46 recited the limitations: “wherein the flat display screen is divided into a plurality of areas via software, with said plurality of areas relating to said at least one transparent region, and wherein said plurality of areas are simultaneously dynamically indicate different functional conditions of a connected device (claim 45); or dividing the flat display into a plurality of different areas with a commercially available software (claim 46)”. Although the specification does mention that graphics generated with commercially available software can be generated on the display screen (specification page 7), there is no support for the limitation “wherein the flat display screen is divided into a plurality of areas via software, with said plurality of areas relating to said at least one transparent region, and wherein said plurality of areas are simultaneously dynamically indicate different functional conditions of a connected device dividing the flat display into a plurality of different areas with a commercially available software in the specification.

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The examiner examines the application based on the best understood of the claim language.

Claim Objections

3. Claims 33-35 are objected to because of the following informalities:

Claims 33-35, line 1:

“The device” should read “The method”.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 25-26, 28, 30-43, 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jagger et al. (U. S. Patent No. 5,841,428), hereinafter Jagger 428', in view of Jagger (U. S. Patent No. 5,977,955), hereinafter Jagger 955'.

In reference to claims 45 and 46, Jagger 428' discloses in Fig. 3 a rotary circuit control device with changeable graphic having a flat panel display 16 (corresponding to flat panel display device), cover plate 28 (corresponding to the attachment) that receives the rotary knob 12 (corresponding to the switching/controlling element) as claimed (col.7, lines 11-45). In addition, Jagger 428' discloses that the cover plate 28 (add-on) is transparent and covers the display 16 (col. 7, lines 46-50). Jagger 428' discloses that the display is divided to multiple areas with the

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plurality of areas relating to at least one transparent region (Fig. 2, col. 7, lines 12-19).

Accordingly, Jagger 428' discloses everything except wherein plurality of areas simultaneously dynamically indicate different functional condition of a connected device. Jagger 955' discloses a control device including a display screen divided into plurality of areas. Screen 36 in this particular example of the invention is a liquid crystal display but may also be of any of the other known types of flat panel display that generate changeable images in response to signals received from a display controller 38 through a multi-conductor bus 39. The controller 38 may be of any of the known designs and in many cases is an internal component of a computer. Changing of the graphics 33 as depicted in FIG. 3 may variously be initiated by programming, by actuation of another device such as a code key on a keyboard (not shown) or in response to operation of the control device 12, 13, 14 or 16 with which the graphics are associated (see Fig. 3, col. 7, lines 29-42).

It would have been obvious for one of ordinary skill in the art at the time of the invention was made to provide the teaching of Jagger 955', i.e.: indicating the different functional condition on the areas, in the device of Jagger 428' for providing visually feedback for the operator i.e.: the control means enable display of different information pertaining to the component at different times at the same location adjacent to the component (Jagger 955', col. 2, lines 63-65).

In reference to claim 25, Jagger 428' discloses that a cathode ray tube display is used for the image display (col. 3, lines 13-15).

In reference to claim 26, Jagger 955' discloses an operator/circuit interface with integrated display screen having screen 36 in this particular example of the invention is a liquid

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crystal display but may also be of any of the other known types of flat panel display that generate changeable images in response to signals received from a display controller 38 through a multi-conductor bus 39.

In reference to claim 28, Jagger 428' discloses the cover plate 28 is a cover the flat surface of the display (see Fig. 3).

In reference to claim 30, Jagger 428' discloses the switch 14 in the cover 28 as claimed.

In reference to claim 31, Jagger 428' discloses that the knob 12 is a rotary control as claimed (see Fig. 2).

In reference to claim 32, Jagger 428' discloses in FIGS. 16 and 17 again has a turnable knob 12f snap engaged on an annular base member 31f which is bonded to the transparent cover plate 28f of a flat panel display 16f within the image display area in the manner previously described. A small integrated circuit board or chip 98 is adhered to the surface of cover plate 28f within the base member 31f (see Fig. 16-17).

In reference to claims 33, Jagger 955' discloses that the flat panel display controllers which are a component of the above described embodiments of the invention may be of the known designs. Such controllers are available commercially along with instructions for programming desired graphics. As will be apparent from the foregoing, the graphics which are appropriate to different embodiments of the invention may take diverse different forms (col. 15, lines 20-34).

In reference to claims 34-35, Jagger 955' discloses that the screen 36 may be either monochrome or one which produces multi-colored images (col. 7, lines 40-41).

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In reference to claim 36, Jagger 428' discloses that the graphic display 16 indicates the switching condition in Fig. 2.

In reference to claim 37, Jagger 955' discloses that changing of the graphics 33 as depicted in FIG. 3 may variously be initiated by programming, by actuation of another device such as a code key on a keyboard (not shown) or in response to operation of the control device 12, 13, 14 or 16 with which the graphics are associated (col. 7, lines 34-40).

In reference to claim 38, Jagger 428' discloses that the transparent cover plate 28 which may be glass or clear plastic (col. 7, lines 30-31).

In reference to claim 39 Jagger 428' and 955' fails to disclose that the add-on component is made of metal. Absent a showing of critically and/or unexpected result, it would be obvious to one of ordinary skill in the art to use preferred materials as desired as was judicially recognized with *IN RE ALLER*, 105 USPQ 233 (CCPA 1955), which recognizes that the use of preferred materials of well known element is normally not desired toward patentable subject matter.

In reference to claims 40-42, Jagger 955' discloses in Fig. 3 that the display 34 having switching elements 12, 14, 16 having breakthrough 37 and plurality windows 33 as claimed

In reference to claim 43, Jagger 955' discloses in Fig. 2 that the control switches are shaped in a differently useful manner.

6. Claims 27 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jagger 428', Jagger 955' and further in view of Levin et al. (U. P. Patent No. 6,154,201).

In reference to claims 27 and 44, Jagger discloses everything except the display is an LED or plasma. Levin et al. discloses a control knob having a display for providing an image

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updated in response to manipulation of the knob. displaying a graphical user Display 14 can be any suitable display device, such as an LED display, LCD display, gas plasma display, CRT, or other device. In some embodiments, display 14 can include a touch-sensitive surface to allow a user to touch displayed images directly on the display 14 to select those images and an associated setting or function (col. 5, lines 10-15).

It would have been obvious for one of ordinary skill in the art at the time of the invention was made to provide the LED or Plasma display device of Levin in the device of Jagger for providing a display with higher resolution for display information for the system.

Response to Arguments

7. Applicant's arguments filed on April 17, 2003 have been fully considered but they are not persuasive. Applicant argues that "Jagger does not disclose that the display screen has to be divided into different areas in terms of software which indicates whether the functional conditions of a defined control line are in motion or standing still" (page 10 of the Amendment filed on April 17, 2003). However, there is no support for the limitation "the display screen has to be divided into different areas in terms of software..." (see the 112 rejection above). In addition, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the functional conditions of a defined control line are in motion or standing still; the structure of the present invention ...uses a commercially available display with high resolution that can be programmed with commercially available software; commercially available display without breakthrough and recesses in its surface can be used (pages 10-12) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the specification

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are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DUC Q DINH** whose telephone number is **(703) 306-5412**. The examiner can normally be reached on Mon-Fri from 8:00.AM-4:00.PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **RICHARD A HJERPE** can be reached on **(703) 305-4709**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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Or faxed to:


(703) 872-9314 (for Technology Center 2600 only)

Hand-delivery response should be brought to: Crystal Park II, 2121 Crystal Drive,
Arlington, Va Sixth Floor (Receptionist)

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Technology Center 2600 Customer Service Office whose telephone
number is (703) 305-4700.

DUC Q DINH
Examiner
Art Unit 2674

DQD
July 7, 2003



RICHARD WUERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600